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**Fwd: Guidance on Receipt of FOIA Requests During the Shutdown**1 message

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**Bryan McGraw** <bryan.mcgraw@nara.gov>

Tue, Feb 5, 2019 at 5:15 PM

To: Theresa Fitzgerald <theresa.fitzgerald@nara.gov>, Corey Stewart <corey.stewart@nara.gov>, Whitney Mahar <whitney.mahar@nara.gov>, Eric Kilgore <eric.kilgore@nara.gov>, "Hacker, Meg" <meg.hacker@nara.gov>, "Cox-Paul, Lori" <lori.cox-paul@nara.gov>, "Bicknese, Douglas" <douglas.bicknese@nara.gov>, "Bolger, Eileen" <eileen.bolger@nara.gov>, "Ersland, Jake" <jake.ersland@nara.gov>

FYI

----- Forwarded message -----

From: **GaryM Stern** <garym.stern@nara.gov>

Date: Tue, Feb 5, 2019, 4:53 PM

Subject: Guidance on Receipt of FOIA Requests During the Shutdown

To: Kevin Pratt <kevin.pratt@nara.gov>, Bryan McGraw <bryan.mcgraw@nara.gov>, Crawford, Britney <britney.crawford@nara.gov>, McIlwain, Don <don.mcilwain@nara.gov>, Rebecca Calcagno <rebecca.calcagno@nara.gov>, Fort, David <david.fort@nara.gov>, Brewer Thompson <brewer.thompson@nara.gov>, Oriabure, Stephannie <stephannie.oriabure@nara.gov>, John Laster <john.laster@nara.gov>  
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In case you were wondering what the log-in date should be for FOIA requests received during the shutdown, we checked with DOJ/OIP, who advised that for requests received electronically, the log-in date should be the date the request was received in the system, whether by email or through a FOIA portal, even if during the shutdown. For requests received by mail, it should be the day that the FOIA processing office opened the package and stamped the request, which will likely be the first day that we returned from the shutdown.

Per OIPs [2013 guidance on CALCULATING FOIA RESPONSE TIMES AFTER THE GOVERNMENT SHUTDOWN](#), we should count the "working days" that transpired during the shutdown for purpose of tracking whether you met or exceeded the 20-day deadlines, even though most of us were not working. This is based on the statutory wording, which only excludes Saturdays, Sundays, and legal public holidays from the timeline, and therefore does not exclude days in which portions of the government were not funded.

Let me know if you have any questions about this approach.

Thanks,  
Gary

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